

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 9, 2001

DIVISION TWO

B144556 Richard I. (Not for Publication)
v.
Superior Court of Los Angeles County,
(Los Angeles County Department of Children and Family Services , r.p.i.)

Accordingly, the petition for writ of mandate is denied, and the order to show cause is dismissed.

Boren, P.J.

We concur: Nott, J.
Cooper, J.

B134651 Las Virgenes Educators Association et al. (Certified for Publication)
v.
Las Virgenes Unified School District et al.

The order appealed from is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B137393 Jocelyn Rochelle Harris (Not for Publication)
 v.
 Silverton Law Offices et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Nott, Acting P.J.

We concur: Cooper, J.
 Todd, J.

B138397 People (Not for Publication)
 v.
 Edward E. Roberson

The judgment appealed from is affirmed.

Nott, Acting P.J.

We concur: Cooper, J.
 Todd, J.

B137519 People (Not for Publication)
 v.
 Gregory Moore

The judgment is affirmed.

Nott, Acting P.J.

We concur: Cooper, J.
 Todd, J.

DIVISION TWO (Continued)

B133407 People (Not for Publication)
v.
Milton Harris

The judgment is modified by striking all sentence enhancements for the prior serious felonies (§ 667, subd. (a)(1) and prior prison terms (§ 667.5, subd. (b)) except for the three prior serious felony enhancements imposed consecutively on count 3 pursuant to section 667, subdivision (a)(1). The resulting sentence is 60 years to life on the principal count, count 3. The judgment is affirmed in all other respects. The court shall prepare an amended abstract of judgment to reflect the modification of sentence and send it to the Department of Corrections.

Nott, J.

We concur: Boren, P.J.
 Todd, J.

B145183 Myles S. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is discharged.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

[illegible]

The juvenile court's finding Justin P. received stolen property in violation of Penal Code section 496, subdivision (a), alleged in count XII, is reversed and his theoretical maximum term of confinement is reduced by eight months, to sixteen years, ten months. In all other respects, the order continuing wardship is affirmed.

Kitching, Acting P.J.

We concur: Aldrich, J.
Perluss, J. (Assigned)

B138475 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Marletta G.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Perluss, J. (Assigned)

B138451 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Jesus C. and Sylvia M.

The judgment is affirmed.

Kitching, Acting P.J.

We concur: Aldrich, J.
Perluss, J. (Assigned)

DIVISION THREE (Continued)

B136124 Los Angeles Unified School District (Not for Publication)
v.
Foundation Center for Phenomenological Research, et al

That portion of the judgment finding that the taking of the property did not cause the defendants to sustain loss of goodwill is reversed and the matter is remanded for the further proceedings on defendants' claim for damages for loss of goodwill. The judgment otherwise is affirmed. The trial court is order to reset a date for trial of the outstanding issue of compensation for loss of goodwill, so that the parties, if they wish, can bring and the court can hear a summary judgment motion according to the time limits in Code of Civil Procedure section 437c, subdivision (a). Costs on appeal awarded to defendants.

Kitching, Acting P.J.

We concur: Aldrich, J.
 Perluss, J. (Assigned)

B131927 County of Los Angeles (Not for Publication)
v.
Ranger Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Perluss, J. (Assigned)

January 9, 2000-Continued

DIVISION FOUR

[illegible]

The judgment of conviction is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B134457 People (Not for Publication)
v.
Thompson

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B138495 People (Not for Publication)
v.
Mitnick

The order denying appellant's petition filed under section 851.8 is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B142752 People (Not for Publication)
v.
Colley

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B134662 People (Not for Publication)
v.
Guisa

The judgment is reversed with directions that, unless the People elect to retry appellant for first degree murder and bring him to trial for that offense within the time specified by Penal Code section 1382, subdivision (a)(2), the trial court shall treat the remittitur as a modification of the judgment to reflect a conviction of second degree murder, and shall resentence appellant accordingly. (See *People v. Cameron* (1994) 30 Cal.App.4th 591, 605.)

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

Court convened at 8:00 A.M.

Present: Turner, P.J., Grignon, J., Weisman, J. (Assigned) and J. Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B137970 People v. Meshefedjian
B140054 People v. Gonzalez
B139842 People Jenkins
B135756 People v. Allen

Court recessed at 8:10 a.m.

Court reconvened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

Each of the following:

B139630 People v. Williams
B138700 People v. Castro
B141493 People v. Freeman
B142407 People v. Delgadillo

Argument waived, cause submitted.

B139438 Barbara Lerner
 v.
 Mose Lerner

Merits:

Argued by Thomas Paine Dunlap for appellant and by Robert M. Ross for respondent. Cause submitted.

B140119 People
 v.
 Johnny Castro

Merits:

Argued by Shirley S. Sun, deputy district attorney, for appellant.
Respondent waived argument. Cause submitted.

DIVISION FIVE (Continued)

B133507 Edward Hayden
 v.
 Francisco Vargas et al.

Merits:

Argued by Tony L. Cogliandro for plaintiff, appellant and cross-respondent and by Cyril Czyajkowski for defendants, respondents and cross-appellants. Cause submitted.

B138748 Terry Herrera
 v.
 State Department of Real Estate

Merits:

Argued by Terry Herrera, appellant in propria persona, and by Marla M. Markman, deputy attorney general, for respondent. Cause submitted.

Court recessed at 9:50 A.M.

Court reconvened at 10:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

B138509 People v. May

 Argument waived, cause submitted.

B139696 People
 v.
 Larry King

Merits:

Argued by Rebecca Jones for appellant and by Scott C. Taylor, deputy attorney general, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B136673 Alfred Moore
 v.
 County of Los Angeles

Merits:

Argued by Alfred Moore, appellant in propria persona, and by Calvin House, deputy county counsel, for respondent. Cause submitted.

Court recessed at 10:25 A.M.

Court reconvened at 11:00 A.M.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J. and J. Belcher, Deputy Clerk.

Each of the following:

B140766 People v. Smith
B145235 D.C.F.S. v. Freddy B.

Argument waived, cause submitted.

B139755 People
 v.
 Tito Gonzalez

Merits:

Argued by David P. Weilbacher for appellant and by Erika D. Jackson, deputy attorney general, for respondent. Cause submitted.

B141104 People
 v.
 Andres M.

Merits:

Argued by Jill A. Thomas for appellant and by Ellen Birnbaum Kehr, deputy attorney general, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B141433 People
 v.
 Larry M.

Merits:
Argued by Mary Bernstein for appellant and by Darryl C. Hottinger, deputy attorney general, for respondent. Cause submitted.

B136436 Kapilow & Sons, Inc., et al
 v.
 RLI Insurance Co., et al

Merits:
Argued by Steven L. Zelig for appellants and by Mitchell E. Abbott for respondents. Cause submitted.

B133914 Genoveva Galvan
 v.
 Preco Industries, Inc.

Merits:
Argued by Michael Lopiano for appellant and by Douglas J. Collodel for respondent. Cause submitted.

B123376 Barbara Kalustian
 v.
 Foundation Health

Merits:
Argued by Robert A. Olson for appellant and by David T. Bamberger for respondent. Cause submitted.

Court recessed at 12:10 P.M.

DIVISION FIVE (Continued)

Court reconvened at 1:00 P.M.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

B133577 Maurice Mehrban v. Stephen Scott King

Argument waived, cause submitted.

B137301 Cherie Ulstad et al.
v.
Saad Bakhaya et al.

Merits:

Argued by Gregory W. Smith for appellants and by Patricia H. Benson for respondents. Cause submitted.

B119176 Jonathan Vos Post
v.
Palo/Haklar & Associates

Merits:

Argued by Dennis W. Rihn for appellant and by Lloyd C. Ownbey for respondent. Cause submitted.

B140109 Robert J. Vars et al.
v.
Jerry Freedman

Merits:

Argued by Gail Phillips for appellant and by James V. Jordan, James McCord and Robert J. Vars, respondents in propria persona. Cause submitted.

Court adjourned.

DIVISION FIVE (Continued)

B125601 Jehan Zeb Mir

V.

Charter Alvarado Behavioral Health System, Inc., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SIX

B138894 Robinson

(Not for Publication)

V.

Rigonia

The orders appealed from are affirmed. Robinson is awarded costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B139745 People

(Not for Publication)

V.

Ziranda

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

January 9, 2000-Continued

DIVISION SIX (Continued)

B137153 People (Not for Publication)
v.
Braggs

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B139411 People v. Douglas (Not for Publication)

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B126332 People (Not for Publication)
v.
Shakir et al.

The judgments are affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

January 9, 2000-Continued

DIVISION SEVEN (Continued)

B134056 Dux (Not for Publication)
v.
Solider of Fortune, Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B134124 People (Not for Publication)
v.
Lobos

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B137228 People (Not for Publication)
v.
Hirahara

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

January 9, 2000-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B139707 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Ruben P.

The order is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

DIVISION SEVEN (Continued)

B138742 Swink (Not for Publication)

v.

Chase Manhattan Mortgage Corporation, et al.

The judgments are affirmed. Chase and CPOA to recover costs on appeal.
As to Chimbole and the Martins, the appeal is dismissed.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

B137786 Rahman (Not for Publication)

v.

Raytheon Systems Company et al.

The judgment of the trial court is affirmed. Each party to bear its own costs
on appeal.

Woods, Acting P.J.

We concur: Neal, J.
Stoever, J. (Assigned)

B135083 Padgett (Not for Publication)

v.

LVRG, Inc., et al.

The judgment and order are affirmed. The Mitchell respondents and the
Director respondents to recover costs on appeal.

Woods, J.

I concur: Lillie, P.J.
I concur in the judgment only: Neal, J.

DIVISION SEVEN (Continued)

B134044 Rigby et al. (Not for Publication)
 v.
 Lozado

The order awarding costs is affirmed. Each side to bear its own costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.

B137311 People (Not for Publication)
 v.
 Acosts

The judgment is affirmed.

Johnson, Acting P.J.

I concur: Woods, J.
I concur: Neal, J. (Opinion)

B142577 People (Not for Publication)
 v.
 Melvin H.

In re Ray S., a Person Coming Under the Juvenile Court Law.

The order under review is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.

January 9, 2000-Continued

DIVISION SEVEN (Continued)

B135349 People (Not for Publication)
v.
Zambrano

The judgment is affirmed.

Johnson, J.

I concur: Lillie, P.J.
I concur: Neal, J. (Opinion)